IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7106 OF 2004

M/s.Tolia Industries,)
D/4/2 Road No.16, Wagle Estate,)
Thane.).. Petitioner

Vs.

Engineering & Metal Workers Union,)
AITUC Office, Krishna Bhavan,)
Room No.27, C.T.Talao,)
Wagle Estate, Thane.).. Respondent

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Shri N.M.Ganguli and Shri K.G.Poojari for the petitioner.

Smt.Gayatri Singh and Shri A.R.Tapole for the respondent.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 8TH DECEMBER, 2004.

Oral Judgment:

1. Heard the learned advocates for the parties. Perused the records. Rule. By consent, the rule is made returnable forthwith.

2. Bare perusal of the impugned judgment discloses that the Industrial Court, apart from referring to the statutory provisions and the reported decisions, has not bothered to analyse the materials

on record to arrive at the finding about the indulgence in unfair labour practice by the petitioner.

3. The learned advocate appearing for the respondent has also fairly conceded that the impugned judgment does not disclose any analysis of the materials on record. It is needless to say that in a case where the party approaches the Industrial Court with a complaint that the employer had adopted unfair labour practice, it is necessary for the Court to analyse the evidence produced by the parties and based on such analysis of the evidence to arrive at an appropriate finding in relation to the contentions of the parties. Once it is apparent that the impugned judgment does not disclose any reference to the analysis of the materials on record, certainly such a decision cannot be sustained and is liable to be set aside.

4. By consent of the parties, the impugned judgment passed by the Industrial Court is hereby quashed and set aside and the matter is remanded to the Industrial Court to dispose of the matter for passing an appropriate judgment in accordance with the provisions of law, after hearing both the parties.

The hearing of the parties would not entitle the parties to lead any further evidence. The matter will have to be disposed of on the basis of whatever the materials already placed on record by the parties. Considering the fact that the matter relates to the year 1999, the Industrial Court is expected to hear and dispose of the matter as expeditiously as possible and in any case on or before 31st July, 2005, after hearing the parties. The rule is made absolute accordingly with no order as to costs.

5. Certified copy be expedited.